

ATTORNEY DOCKET NO.
068038.0108

PATENT APPLICATION
09/858265

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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 5, 2003. In order to advance prosecution of this Application, Claims 1, 5, 14, and 21 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 22-25 stand objected to for an informality identified by the Examiner. Independent Claim 21 has been amended to address the informality raised by the examiner.

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by Nelson. Independent Claim 1 recites: ". . . the node operable to determine how long the mobile transmitter is within the threshold distance" By contrast, the Nelson patent discloses no capability for determining how long its transmitter is within a range of its receiver. Support for the above recitation can be found at page 10, lines 2-6, and page 11, line 32, to page 12, line 1, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-3 are not anticipated by the Nelson patent.

Claims 4, 7-9, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of Koshima. Independent Claim 1, from which Claims 4, 7-9, and 13 depend, has been shown above to be patentably distinct from the Nelson patent. Moreover, the Koshima patent does not include any additional disclosure combinable with the Nelson patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 4, 7-9, and 13 are patentably distinct from the proposed Nelson - Koshima combination.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of Neyhart. Independent

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Claim 1, from which Claim 10 depends, has been shown above to be patentably distinct from the Nelson patent. Moreover, the Neyhart patent does not include any additional disclosure combinable with the Nelson patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 10 is patentably distinct from the proposed Nelson - Neyhart combination.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of Neyhart. Independent Claim 1, from which Claim 11 depends, has been shown above to be patentably distinct from the Nelson patent. Moreover, the Sallen patent does not include any additional disclosure combinable with the Nelson patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 11 is patentably distinct from the proposed Nelson - Sallen combination.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of Cox. Independent Claim 1, from which Claim 12 depends, has been shown above to be patentably distinct from the Nelson patent. Moreover, the Cox patent does not include any additional disclosure combinable with the Nelson patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 12 is patentably distinct from the proposed Nelson - Cox combination.

Applicant notes with appreciation the allowability of Claims 5, 6, and 14 if placed into appropriate independent form. Claims 5 and 14 have been amended into independent form as suggested by the Examiner. Therefore, Applicant respectfully submits that Claims 5, 6, and 14 are in condition for allowance.

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Applicant notes with appreciation the allowance of Claims 15-29.

With the presentation of two new independent claims, an additional filing fee is due. Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$86.00 to satisfy the excess independent claims fee of 37 C.F.R. §1.16(b).

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of Claims 1-29.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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March 5, 2004

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